

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICKYE HENDERSON,

Plaintiffs,

v.

ATAIN INSURANCE COMPANY, et al.,

Defendants.

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1:24-CV-1208-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Dustin Howell Lane concerning Plaintiff (“Plaintiff”) Rickye Henderson’s application to proceed *in forma pauperis*. (Dkt. 2). (R. & R., Dkt. 25). Plaintiff timely filed objections to the report and recommendation. (Obj., Dkt. 28).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (R. & R., Dkt. 25), is **ADOPTED. IT IS ORDERED** that Plaintiff’s claims are **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e)(2). **IT IS FURTHER ORDERED** that Plaintiff’s pending motions are **MOOT**.

Further, this is not the first frivolous case Plaintiff has filed with this Court. This Court has previously dismissed two cases as frivolous under Section 1915. See *Henderson v. Buttross*, 1:17-CV-436-LY, 2017 WL 2391806 (W.D. Tex. June 2, 2017); *Henderson v. Soifer*, No. 1:24-CV-00771-DII-DH, 2024 WL 4549262, at *1 (W.D. Tex. Sept. 6, 2024). “A district court has jurisdiction to impose a pre-filing injunction to deter vexatious, abusive, and harassing litigation.” *Baum v. Blue Moon Ventures*, 513 F.3d 181, 187 (5th Cir. 2008). District courts are permitted to act *sua sponte* in imposing restrictions on future filings. *Qureshi v. United States*, 600 F.3d 523, 526 (5th Cir. 2010). Plaintiff is warned against further frivolous filings. If Plaintiff continues to file frivolous pleadings in this Court, it may result in Plaintiff being barred from future filings without obtaining prior approval from a federal district or magistrate judge.

The Court will enter final judgment by separate order.

SIGNED on March 5, 2025.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE